

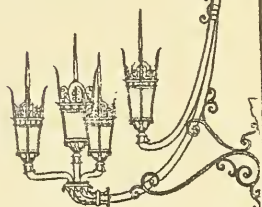
BOSTON PUBLIC LIBRARY



3 9999 06316 774 4

2547

BOSTON
PUBLIC
LIBRARY





Digitized by the Internet Archive
in 2010 with funding from
Boston Public Library

<http://www.archive.org/details/zoningprocedures00bost>

RA
47
✓

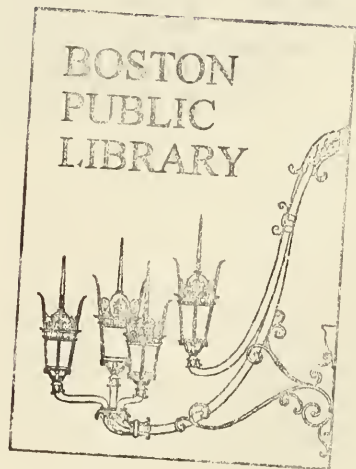
ZONING

Procedures for Master Plan|PDA



TABLE OF CONTENTS

| | Page |
|-------------------------|------|
| Introduction | 1 |
| Review Authorities | 2 |
| Procedures | 3 |
| Submission Requirements | 5 |
| Fees | 17 |
| Appendix | |



ZONING PROCEDURES
FOR
PLANNED DEVELOPMENT AREA DESIGNATION

City of Boston

Raymond L. Flynn, Mayor

Boston Redevelopment Authority

Robert L. Farrell, Chairman

Joseph J. Walsh, Vice-Chairman

James K. Flaherty, Treasurer

Clarence J. Jones, Vice-Treasurer

Michael F. Donlan, Member

Kane Simonian, Secretary

Stephen Coyle, Director

INTRODUCTION

The City of Boston's Zoning Code divides the city into several categories of residential, business, and industrial districts, with similar regulations for districts having substantially the same character. The regulations govern all new construction, including additions and changes to existing structures; changes in land use, whether or not within a building; and all signs and billboards. If a project plan does not comply with the Zoning Code, a developer may seek variances from specific regulations.

Recognizing that from time to time additional controls or greater flexibility might be needed for specific areas, the Zoning Code also defines and allows for the establishment of several categories of special purpose overlay districts, including a Planned Development Area (PDA). PDA designation, which may be granted to a sub-district of one acre or more, provides for flexibility in project design and affords extensive review of both site and building plans. This document outlines the review procedures and submission requirements for PDA designation, including PDAs of up to five acres and Master Plan PDA's, which are PDAs five acres or greater.

PDA designation requires the approval of a detailed development plan for the project. A development plan sets forth the proposed location, appearance of structures and landscaping, the dimensions of structures, proposed uses, density, traffic circulation, parking and loading facilities, access to public transportation and other information as required by the Boston Redevelopment Authority. If a project is five acres or more and is not located in a residential district, designation of the area as a Master Plan PDA may be requested. Approval of a Master Plan will constitute only approval of a general development concept, changes in permitted uses and in allowed density. Approval for all other aspects of the proposal, such as heights and building locations, must be based on an acceptable Development Plan. After the PDA is established and prior to construction of any component of the project, a Development Plan based on the Master Plan must be also be approved.

REVIEW AUTHORITIES

Zoning Commission

Zoning regulations, including the designation of special purpose overlay districts, are adopted, amended, or repealed by the Zoning Commission. The eleven-member board, appointed by the Mayor and subject to confirmation by the City Council, is comprised of three members selected by the Mayor and eight representatives of various development-related organizations, as specified in the zoning enabling legislation (Chapter 665 of the Acts of 1956 as amended). Actions of the Commission require a concurrent vote of not less than seven members. Amendments are subject to approval by the Mayor, or a lapse of 15 days after presentation to the Mayor, but a concurrent vote of nine members may overrule a mayoral veto.

Board of Appeal

The Board of Appeal is empowered to grant variances, conditional uses and exceptions to the Zoning Code and Building Code in response to requests from applicants who have been refused permits. Zoning exceptions, which apply only to Planned Development and Urban Renewal Area projects, may be granted by the Board of Appeal without proof of hardship. The approval of exceptions is required prior to any construction within a designated Planned Development Area. The Board of Appeal consists of five members appointed by the Mayor. One member is selected solely by the Mayor and four are appointed by the Mayor from candidates nominated by specified development-related organizations. In action on an appeal, the Board may reverse in whole or in part the earlier decision of the Inspectional Services Department (ISD) which is responsible for issuing zoning and building permit approvals. Decisions of the Board require a concurrent vote of four-fifths of its members; decisions may be overturned by the Suffolk Superior Court or in residential cases, by the Housing Court of the City of Boston.

Boston Redevelopment Authority

As the City's planning agency, the Boston Redevelopment Authority (BRA) is responsible for reviewing development proposals and making recommendations to the Board of Appeal and Zoning Commission. PDA designation requires the BRA's approval of Development Plan and for a project of not less than five acres, a Master Plan. The BRA reviews proposals for their overall viability and expected benefits to the city. Review criteria may vary depending on location, type, and size of the project. Design criteria include specifications for building height, massing, materials, and other guidelines to preserve Boston's history and character. Environmental concerns which are assessed include a project's impacts on sunlight, daylight, wind, groundwater, and air and water quality, both during construction and upon completion. Effects on surrounding neighborhoods, displacement, and community participation are also considered in the review process. Transportation review is concerned with the impacts of additional traffic, parking and loading, and examines proposed changes to rights-of-way or physical changes, encroachments on public space, curb cuts, and requirements of the Boston Air Pollution Control Commission, if applicable. The Authority is comprised of five board members, four of whom are appointed by the Mayor and one by the Governor.

MASTER PLAN/PDA REVIEW PROCEDURES

PDA designation may be obtained for a project on a site of at least one acre. For PDA designation, the BRA must approve a Development Plan; the Zoning Commission must adopt a map amendment; and prior to construction within a PDA, the Board of Appeal must grant exceptions to the Zoning Code. A Master Plan PDA, which is a project area of five acres or more, may be designated as a special purpose overlay district following BRA approval of a Master Plan, prior to submission of more detailed Development Plan, and following the Zoning Commission's adoption of the map amendment. Before any construction may proceed or any development rights are vested, PDA procedures must be completed, including the approval of a Development Plan which conforms to the approved Master Plan.

The procedures outlined below pertain to the review of requests for PDA designation. The submission requirements for Master Plans and Development Plans are listed in the following section.

1. Filing for Planned Development Area Designation

- o The applicant consults with the BRA, with abutters and community organizations.
- o The applicant submits a PDA application with a Master Plan or Development Plan to the BRA.
- o The applicant files a petition to amend the Zoning Map.
- o If the proposal is a Development Impact Project (DIP) and subject to linkage payments, then the PDA Development Plan will constitute the DIP plan. A DIP agreement must accompany the Development Plan submitted to the BRA.

2. BRA Review

- o BRA staff reviews the proposed Master Plan or Development Plan in consultation with community organizations.
- o The proposed amendment is submitted with the Master Plan or Development Plan to the BRA Board with the staff's analysis and recommendation.
- o The BRA Board schedules a public hearing and gives notice of it. At the hearing, the Board reviews the staff's recommendation, the proposed amendment and plan.
- o The BRA Board votes and sends its recommendation to the Zoning Commission.

- o If the PDA is a Development Impact Project, the Board also votes action to authorize a DIP exaction agreement and the certification of such to the Board of Appeal. In the case of a Master Plan PDA, a DIP exaction agreement is acted on at the same time as a Development Plan, not at the Master Plan stage.
3. Zoning Commission Review and Hearing
- o The Zoning Commission schedules a hearing no sooner than 20 days after the petition is filed and gives public notice of it at least 10 days in advance of the hearing.
 - o At the hearing, the Commission considers the information provided by the petitioner, the BRA and other parties. The Commission may take the petition under advisement or vote action at the hearing.
4. Mayoral Decision
- o Upon the Zoning Commission's approval, the amendment is reviewed by the Mayor.
 - If signed by the Mayor, the amendment is effective immediately.
 - If unsigned, it is effective after 15 days.
 - If returned to the Commission with objections, concurrent votes of at least 9 Commission members (at an additional meeting) are required to override the veto.

Following successful completion of the procedures listed above, the site is designated as a Planned Development Area. For a Master Plan PDA, review and approval by the BRA and the Zoning Commission is also required once a Development Plan is prepared. Development Plan review follows the same steps as the initial Master Plan review. Development Plan approval is required prior to subsequent review by the BRA, Inspectional Services Department and Board of Appeal. For PDA's which do not require a Master Plan (i.e. PDA's of less than five acres), the proposal then proceeds to review by the Inspectional Services Department, the Board of Appeal, and the Boston Redevelopment Authority. Procedures governing their review are outline in Zoning Procedures and BRA Development Review Procedures.

Planned Development Area Review Process

Master Plan PDA Application
greater than 5 acres

Submission of Development Concept
proposed uses and density

Staff Review with Community input

BRA Public Hearing and
Board Vote

Petition Zoning Commission for
PDA Designation

Zoning Commission Public Hearing

Adoption by Zoning Commission

PDA Application
less than 5 acres and
greater than one acre

Submission Development Plan

Staff Review with Community
Input

BRA Board Vote

Petition Zoning Commission

Zoning Commission Hearing

Adoption by Zoning Commission

Developer Petition ISD and
Board of Appeal for Exception

Board of Appeal Hearing

SUBMISSION REQUIREMENTS

All PDA and Master Plan PDA applications must include all items requested in the following categories:

1. Applicant Information
2. Financial Information
3. Project Area
4. Project Design (Requirements vary for PDA and Master Plan PDA applications)
5. Environmental Impact Assessment (The scope of the assessment will be defined by the BRA.)
6. Community Participation

Both PDA and Master Plan PDA applications should also include information on public benefits, relocation information and regulatory controls as requested by the BRA depending on the project's characteristics.

In addition, once a PDA is established, the project is subject to additional phases of design review with procedures and requirements defined in the BRA's Development Review Procedures.

In addition to full-size scale drawings, 3 copies of a bound booklet containing all submission materials reduced to size 8½ x 11, except where otherwise specified, are required. A fact sheet with a map/site plan should accompany the booklet.

I. Applicant Information

A. Development Team

1. Names
 - a. Developer (including description of development or Chapter 121A entity)
 - b. Attorney
 - c. Project consultants
2. Business address and telephone number for each
3. Designated contact for each
4. Description of current or formerly-owned developments in Boston

B. Legal Information

1. Legal judgements or actions pending concerning the proposed project
2. History of tax arrears on property owned in Boston by development team
3. Property Title Report including current ownership and purchase options of all parcels in the development site

II. Financial Information

- A. Full disclosure of names and addresses of all financially involved participants and bank references
- B. Nature of agreements for securing parcels not owned by prospective developer
- C. Development Costs*
1. Cost of land and buildings
 2. Estimated hard construction cost, including demolition and site preparation
 3. Estimated soft costs, including: professional fees, financing fees, construction loan interest, real estate taxes, and all other costs necessary to carry the project through the construction period
 4. Estimated contingency amount
- D. Operation*
1. Anticipated income from rent or sales, including vacancy allowances
 2. Anticipated operating expenses
 3. Estimated real estate taxes including expected valuation
 4. Anticipated financing structure, including any equity (including plans for syndication), mortgages, and terms of debt service
 5. All preceding information for the first six years of operation, or until property is expected to be refinanced or sold
 6. Depreciation and all other deductions indicating cash flow and returns for first six years on an after-tax basis

* Required with Development Plans; required only to the extent available for Master Plans.

III. Project Design for Master Plan

- A. Written description of development concept:
 - 1. Statement of planning objectives
 - 2. Site description, including metes and bounds
 - 3. Proposed uses (if residential, indicate income mix)
 - 4. Proposed density
 - 5. Proposed infrastructure and other public improvements, describing costs associated with each
- B. Neighborhood plan showing to the extent possible the relationship of the proposed development concept to the existing neighborhood.
- C. Site plan at an appropriate scale (1"=20' or larger) showing:
 - 1. General relationships of proposed and existing adjacent buildings and open space
 - 2. Open spaces defined by buildings on adjacent parcels and across streets
 - 3. General location of public access, pedestrian ways, driveways, parking, service areas, streets, and major landscape features
 - 4. Survey information, such as existing elevations, benchmarks, mean low watermark and utilities
 - 5. Phasing possibilities
- D. 8" x 10" black and white photographs of site and neighborhood
- E. Aerial views of project area

IV. Project Design for Development Plan

- A. Summary of proposed development with written description of program elements and space allocation for each element, and proposed schedules for review and development
- B. Neighborhood plan and sections at an appropriate scale (1" = 50' or larger) showing relationships of the proposed project to the neighborhood's:
 - a. massing
 - b. building height
 - c. scaling elements

- d. open space
 - e. major topographic features
 - f. pedestrian and vehicular circulation
 - g. land use
- C. Black and white 8"x10" photographs of the site and neighborhood
- D. Sketches and diagrams to clarify design issues and massing options
- E. Eye-level perspective (reproducible line drawings) showing the proposal in the context of the surrounding area
- F. Aerial views of the project
- G. Site sections at 1" = 20' or larger showing relationships to adjacent buildings and spaces
- H. Site plan at an appropriate scale (1" = 20' or larger) showing:
 - a. General relationships of proposed and existing adjacent buildings and open space
 - b. Open spaces defined by buildings on adjacent parcels and across streets
 - c. General location of pedestrian ways, driveways, parking, service areas, streets, and major landscape features
 - d. Pedestrian, handicapped, vehicular and service access and flow through the parcel and to adjacent areas
 - e. Survey information, such as existing elevations, benchmarks, and utilities
 - f. Phasing possibilities
 - g. Construction limits
- I. Massing model at 1" = 100' for use in the Authority's downtown base model.
- J. Drawings at an appropriate scale (e.g., 1" = 8') describing architectural massing, facade design and proposed materials including:
 - a. Building and site improvement plans
 - b. Elevations in the context of the surrounding area
 - c. Sections showing organization of functions and spaces

K. Preliminary building plans showing ground floor and typical upper floor(s)

L. Proposed schedule for submission of design development materials

V. BRA Environmental Impact Assessment

Whether or not a project comes within the purview of the Massachusetts Environmental Policy Act review requirements, the BRA may request all or several of the environmental analyses listed below. The extent of analyses required depends on the size, location, and complexity of the project.

A. Transportation/Traffic

1. Parking

- a. Number of spaces provided indicating public and private allocation
- b. Reduction in parking from previous use of site
- c. Proposal's impact on demand for parking
- d. Parking plan, including layout, access, and size of spaces
- e. Evidence of compliance with City of Boston parking freeze requirements
- f. Description of measures to reduce parking demand

2. Loading

- a. Number of docks
- b. Location and dimension of docks

3. Access

- a. Size and maneuvering space on-site or in public right-of-way
- b. Access, curb cuts, and/or sidewalk changes required

4. Vehicular Traffic

- a. Project vehicular traffic demand and generation (daily and peak-hours) and distribution
- b. Circulation and access impacts on the local and regional street system and local intersections (traffic impact area), including capacity and level-of-service analyses
- c. Modal split and vehicle occupancy analysis

5. Public Transportation
 - a. Location and availability of public transportation facilities
 - b. Usage and capacity of existing system
 - c. Peak-hour demand and capacity analysis
 - d. Measures to encourage use of public transportation
6. Pedestrian Circulation
 - a. Demand and capacity analysis on project area sidewalks
 - b. Connections to public transportation station stops
 - c. Effect on pedestrian flows of project parking and servicing entrances and exits

B. Wind

1. Wind tunnel testing will be required for:
 - a. Any building higher than 150 feet
 - b. Any building 100 feet high and two times higher than the adjacent buildings
 - c. Other buildings which fall below these thresholds, but because of their context and particular circumstances would require wind tunnel testing
2. Wind tunnel testing is to be conducted in two stages - Stage I Erosion Study and Stage II Hot Wire Testing. An erosion study (or equivalent methodology) must be conducted to determine potential problem areas and to identify appropriate placement of sensors for hot wire testing.
3. Wind tunnel testing should be conducted according to the following criteria:
 - a. Results of wind tunnel testing should be consistently presented in miles per hour (mph).
 - b. Velocities should be measured at a scale equivalent to 4.5 to 5.0 feet above ground level.
 - c. The instrument should have a frequency response that is flat to 100 hertz and filters out any higher frequency (hot wire testing).

- d. The expected one and two percent occurrence of hourly average, effective gust, and peak gust velocities should be reported (hot wire testing).
- e. Erosion study data shall be presented in tabular form and graphically through photographs showing changes between build and no-build conditions.
 1. Wind directions from the sixteen compass points shall be used noting the percent or probability of occurrence of each direction on an annual and seasonal basis.
 2. Wind velocities for each direction shall include the intervals: 0-15 mph and every 5 mph interval from 15 to 40 mph inclusive.
- f. Hot wire data shall be presented both in tabular form and graphically on a map to indicate velocity changes between build and no-build conditions.
 1. The effective gust velocity can be computed by the formula: average hourly velocity plus $1.5 \times \text{root mean square (rms) variations about the average}$.
 2. Analysis should be presented as follows:
 - a. Present data for existing (no-build) and future build scenarios as follows:
 - Mean velocity (exceeded 1% of time)
 - Effective gust velocity (exceeded 1% of time)
 - b. Compare mean and effective gust wind speeds on both annual and seasonal basis, by wind direction.
 - c. Provide a written descriptive analysis of wind environment and impacts for each sensor point including such items as source of winds, direction, seasonal variations, etc., as applicable. Include analysis of suitability of location for various activities (e.g., walking, sitting, eating, etc.) as appropriate.
 - d. Provide maps of sensor locations with wind speed data, graphically indicating changes in wind speeds.

C. Shadow

1. Shadow analysis plans should be submitted at a scale of $1' = 40'$ and $1'' = 100'$.

2. Shadow impact analysis must include net new shadows as well as existing shadows.
3. Initial shadow analyses must include shadow impacts for build and no-build conditions for the hours 9:00 a.m., 12:00 noon, and 3:00 p.m. conducted for four periods of the year at the vernal equinox, autumnal equinox, winter solstice, and summer solstice.
4. Shadow analyses also are to be conducted at 10:00 a.m., 11:00 a.m., 12:00 noon, 1:00 p.m., and 2:00 p.m. on October 21 and November 21, and must show the incremental effects of the proposed massing on proposed or existing public spaces including major pedestrian areas.
5. Additional shadow analyses may be required depending on the particular physical characteristics of the site including its solar orientation relative to public open spaces, pedestrian patterns and street patterns, and existing shadows in the area.

D. Daylight

1. Daylight analysis for build and no-build should be conducted by measuring the percentage of skydome that is obstructed by a building.
 - a. Specific technique and graphic methodologies required for determining percent of obstructed skydome will be provided by the BRA.

E. Excavation and Landfill

1. Written description including amount and method of excavation, dredging and filling proposed, and the existence of blasting and pile driving
2. Description of impacts of any dredging on the Boston Harbor tidal system
3. Analysis of sub-soil conditions, potential for ground movement and settlement during excavation, and impact on adjacent buildings and utility lines

F. Groundwater

1. List of measures used to ensure the groundwater levels will not be lowered during or after construction, if applicable
2. Engineering analysis of the impact of development on groundwater, surrounding structures, wooden piles and foundations

G. Solid and Hazardous Wastes/Materials

1. A list of any known or potential contaminants on site together with evidence of the recording with the Registry of Deeds of the disposal of hazardous wastes on the site, pursuant to the M.G.L., Chapter 21C, if applicable
2. Possible hazardous wastes generated
3. Existence of buried gas tanks on site
4. Estimate of potential trash generation and plans for disposal

H. Noise

1. Where appropriate, noise analyses to determine compliance with City of Boston regulations and applicable state and federal guidelines

I. Flood Hazard Zone/Wetlands

1. Where appropriate, determination of whether or not proposal falls within a Federal Flood Hazard Zone or requires a Wetlands Permit
2. If applicable, description of measures to minimize potential flood damage and to comply with city and federal flood hazard regulations and any Order of Conditions issued by the Boston Conservation Commission

J. Construction Impacts

1. Description of construction staging areas
2. Availability of construction worker parking
3. Potential dust generation and mitigation measures to control dust emissions
4. Permits from Air Pollution Control Commission for sand blasting, if appropriate
5. Potential noise impact and measures to minimize noise levels
6. Truck traffic and access routes
7. Pedestrian safety

K. Historical Landmarks

1. Description of the project site location in proximity to a National or Massachusetts Register site or district or Landmark designated by the Boston Landmarks Commission

2. Possible effects to the National or Massachusetts Register site or district or a Landmark designated by the Boston Landmarks Commission

L. Air Quality

1. Impact on local air quality from additional traffic generated by the project, including identification of any location projected to exceed national or Massachusetts air quality standards
2. Estimation of emissions from any parking garage constructed as part of the project
3. Description and location of building/garage air intake and exhaust systems and evaluation of impact on pedestrians

M. Utility Systems

1. Estimated water consumption and sewage generation from the project
2. Description of the capacity and adequacy of water and sewer systems and an evaluation of the impacts of the project on these systems
3. Identification of measures to conserve resources, including any provisions for recycling

N. Energy

1. Description of energy requirements of the project and evaluation of project impacts on resources and supply
2. Description of measures to conserve energy usage and consideration of feasibility of including solar energy provisions

O. Water Quality

1. Description of impacts of the project on the water quality of Boston Harbor or other water bodies that could be affected by the project, if applicable
2. Description of mitigation measures required to reduce or eliminate impacts on water quality
3. Description of on-site plans for channelization and treatment of storm water runoff
4. Description of waste water detention system

P. Solar Glare

1. Analysis of solar glare impact and solar heat gain analysis, if applicable

VI. Public Benefits

- A. Employment plan including:
 - 1. Estimated number of construction jobs
 - 2. Estimated number of permanent jobs
 - 3. Future tenant profile
 - 4. Resident, minority and women hiring plan
- B. Tax revenues, including existing annual taxes on property, estimated future annual taxes, and change in tax revenue
- C. Chapter 121A payment
- D. Purchase price for publicly-owned property
- E. Development Impact Project Exaction
 - 1. Housing Creation Exaction or Housing Payment Exaction
- F. Child Care Plan
- G. Other benefits

VII. Relocation Information

- A. Statement by applicant concerning applicability to project of any Federal or State Relocation Regulations, and Citation of Regulations believed applicable
- B. For projects not covered by federal or state programs containing relocation regulations, the following information:
 - 1. Number of units in building(s) to be demolished or vacated
 - 2. Number of occupied units, by type, per building
 - 3. Tenure of occupants (owner/tenant/sub-tenant)
 - 4. Name and address of each occupant (owner or prime tenant)
 - 5. Information on size and monthly costs:
 - a. Residential unit - number of rooms, bedrooms, and monthly rent, indicating included utilities
 - b. Non-residential - gross square feet of area, number of floors, including ground floors and monthly rent, indicating included utilities

6. Length of occupancy of current occupant in unit (and building if greater)
7. Estimate of the total number of small businesses
8. Number, if any, of minority households or businesses displaced
9. Net increase or decrease in number of units:
 - a. Total number of housing units proposed
 - b. Reduction in rent controlled units

VIII. Regulatory Controls and Permits

- A. Existing zoning requirements, calculations, and any anticipated zoning requests
- B. Anticipated permits required from other local, state, and federal entities with a proposed application schedule
- C. Employment contract compliance
- D. For structures in National or Massachusetts Register Districts or sites individually listed on the National or Massachusetts Register of Historic Places, duplicates of parts I and II of the certification documents and applicable correspondence and permits
- E. For projects requiring compliance with the Massachusetts Environmental Policy Act (MEPA), copies of the Environmental Notification Form, Certificate of the Secretary of Environmental Affairs, and Environmental Impact Report, if required
- F. Other applicable environmental documentation

IX. Community Participation

- A. Names and addresses of project area owners, displacees, abutters, and also any community groups which, in the opinion of the applicant, may be substantially interested in or affected by the proposed project
- B. A list of meetings proposed and held with interested parties

FEES

The following is a list of fees for development projects. Most fees are not refundable except fees for reviewing developers' proposals for public parcels, which are partially refundable to unsuccessful applicants.

Bid Documents

| | |
|---------------------------------|--------|
| o Site Preparation Contracts | \$ 100 |
| o Property Management Contracts | \$ 100 |
| o Operation of Parking Lots | \$ 100 |
| o Rehabilitation Documents | \$ 100 |
| o Demolition Contracts* | \$ 100 |

Chapter 121A Fees

| | |
|--|----------|
| o Application | \$ 5,000 |
| o Amendments of application requiring a hearing and report | \$ 3,500 |
| o Amendments of any kind not requiring a hearing | \$ 2,500 |

| | |
|---------------------------------|----------|
| <u>CARD Project Review Fees</u> | \$ 2,500 |
|---------------------------------|----------|

| | |
|-----------------------|---|
| <u>Developer Kits</u> | \$ 0-100 (varies depending on size of site and proposed development) |
|-----------------------|---|

| | |
|--------------------------------|--|
| <u>Developer Proposal Fees</u> | \$ 0-7,500 (varies depending on site) |
|--------------------------------|--|

Zoning Commission Fees

| | |
|--|--|
| o Annual subscription to Zoning Code Amendments | \$ 10 |
| o Annual subscription to Zoning Code Amended Pages | \$ 10 |
| o Zoning Code Text or Map Amendment Application | \$ 225 |
| | (Advertising costs will also be paid by proponent and will vary according to length of ad) |

Note: Fees for zoning and building code variances and appeals are paid directly to the Board of Appeal.

*Refundable

APPENDIX
SECTION 3 - 1A
CITY OF BOSTON ZONING CODE

‡SECTION 3-1A. Special Purpose Overlay Districts. A subdistrict or part thereof or a contiguous group of subdistricts or parts thereof may be designated as a special purpose overlay district as follows: (a) planned development area (distinguished by the addition of the letter "D" to the designation of the subdistrict or subdistricts); (b) urban renewal area (distinguished by the addition of the letter "U" to the designation of the subdistrict or subdistricts); (c) adult entertainment district (distinguished by the addition of the letter "E" to the designation of the subdistrict or subdistricts); (d) restricted and limited parking districts; (e) flood hazard district; (f) institutional district; (g) restricted roof structure district (distinguished by the addition of an asterisk or small circle to the designation of the subdistrict or subdistricts); or (h) interim planning overlay district. In an overlay district the regulations specified for the base subdistrict or subdistricts shall apply, insofar as they are not in conflict with special regulations specified for a particular overlay district.

(‡This section, inserted March 24, 1977, incorporates districts formerly described in Section 3-1. The first paragraph was subsequently amended on June 8, 1977, August 20, 1981, December 30, 1983, and November 23, 1984.)

‡a. Planned Development Areas. The whole or any part of a subdistrict may be established as a planned development area if such area contains not less than one acre and the commission has received from the Boston Redevelopment Authority, and has approved, a development plan or, if the area contains not less than five acres and is not located in a residential zoning district, a master plan for the development of the planned development area. Before transmittal to the commission, such development plan or master plan shall have been approved by said Authority after a public hearing, provided, however, that no development plan or master plan shall be approved by said Authority unless said Authority finds that such plan conforms to the general plan for the city as a whole and that nothing in such plan will be injurious to the neighborhood or otherwise detrimental to the public welfare. A development plan shall set forth the proposed location and appearance of structures, open spaces and landscaping, proposed uses of the area, densities, proposed traffic circulation, parking and loading facilities, access to public transportation, proposed dimensions of structures, and may include proposed building elevations, schematic layout drawings and exterior building materials, and such other matters as said Authority deems appropriate to its consideration of the proposed development of the area.

If the area contains not less than 5 acres and is not located in a residential zoning district, a master plan may be submitted setting forth only a statement of the development concept, including the planning objectives and character of the development, the proposed uses of the area, the range of dimensional requirements contemplated for each of the proposed uses, the proposed phasing of construction of the development and such of the other items set forth above as said Authority may request in order to make its required finding. No work shall proceed in any planned development area established by the commission on the basis of an approved master plan un-

til a development plan for the area, or portion thereof in which work is to proceed, conforming to the foregoing requirements has been approved by the Authority and the commission, in each case after a public hearing.

To insure that no work proceeds other than in accordance with an approved development plan, no structure shall be erected, reconstructed, or structurally changed or extended in a planned development area, whether or not a master plan has been approved for such area, unless all drawings and specifications therefor shall have been subjected to design review and approved by said Authority. The Building Commissioner shall not issue any building or use permit with respect to any building, structure, or land within a planned development area unless the Director of said Authority has certified on the application therefor and on each and every plan filed with the Building Commissioner in connection therewith that the same is consistent with the development plan for such planned development area or the portion thereof to which said permit relates. Except as otherwise provided in Article 6A, planned development areas shall be subject to all the provisions of this code applicable to the subdistrict in which the area is located.

(§As inserted on July 2, 1968, and amended on December 29, 1982)

